



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY
MIKE STRAIN DVM
COMMISSIONER



ADVISORY COMMISSION ON PESTICIDES
March 11, 2009
Veterans' Memorial Auditorium
9:30 am
Minutes

CALL TO ORDER

Dr. Grady Coburn, Vice Chairman called the meeting to order at 9:30 a.m.

ROLL CALL

Ms. Anderson called the roll. Members present: Wayne Ducote, Dr. Grady Coburn, Billy Guthrie, Dr. Marcia Hardy, Wayne Kent, Dwayne O'Brien, Dr. Gary Ross, and Elbridge R. "Smitty" Smith. Members absent: Doug Duty, Mike Robichaux and Mike Vasko.

Others present: Todd Parker, David Fields, Larry LeJeune, Bobby Simoneaux, Marvin Montgomery, Mary Anderson, and Fran McVea.

APPROVAL OF THE MINUTES

Motion: Mr. Kent made a motion to approve the minutes from the October 22, 2008 meeting. This motion was seconded and passed unanimously.

AMENDMENTS TO AGENDA

Mr. Fields asked that the New Business and Agricultural Consultant Committee report be moved on the agenda to after the Adjudicatory Hearing portion of the meeting.

CITIZEN COMMENTS

None

DEPARTMENT REPORTS

Butch Stegall, LDAF gave a presentation on the Water Monitoring Program for Pesticides.

Larry LeJeune gave an update on AES

- The staff had met with LSU Ag Center to discuss the future of the pesticide education program.
- Staff to attend States/EPA Regional Spring meeting
- Still awaiting EPA response on revisions necessary to Louisiana's containment & container rules.
- 6th Circuit court ruling vacates EPA rule waiving water permits for pesticide spraying
- Budget and funding shortages
- Reopening of AES District office in New Orleans

Bobby Simoneaux gave an up date on Special Registrations.

NEW BUSINESS

David Fields reported that EPA had accepted the revisions to the Enforcement Response Policy (ERP).

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Motion: Mr. Ducote made a motion to approve the revised ERP. This motion was seconded by Mr. Smith and passed unanimously.

Dr. Coburn called a recess for 10 min.

Dr. Coburn called the meeting back to order. All commission members that were present before the break returned with the exception of Dr. Ross. There was a quorum present.

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OLD BUSINESS

None

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ADJUDICATORY HEARING

Dr. Coburn turned the meeting over to Ms. Lindsey Hunter, Assistant Attorney General.

Mr. Montgomery said that all the cases with the exception of the Mike Rosenzweig and John Robert Gaumnitz cases had stipulated.

Mike Rosenzweig, Case No. 1230 - Mr. Montgomery called for Mike Rosenzweig and was sworn in by Ms. Hunter.

Ms. Hunter said that there had been four subpoenas issued in this case. Mr. Montgomery asked that the all witnesses that be sequestered. Ms. Hunter swore in Jim Phillips, David Lanclos, Clay Fairbanks, Bently Curry and Roger Carter and Clare Shields, LDAF were sworn in and instructed not to discuss the case while they are sequestered.

Mr. Rosenzweig was charged with one violation.

Mr. Montgomery presented the State case against Mr. Rosenzweig.

Mr. Rosenzweig represented himself and called his witnesses.

Ms. Hunter called for a vote to find Mr. Rosenzweig in violation. There were two votes for and 6 against finding Mr. Roenzweig in violation.

John Robert Gaumnitz, Case No. 579 - Ms. Hunter called Mr. Gaumnitz and swore him in. Mr. Montgomery presented the case. Mr. Gaumnitz was charged with three violations.

Motion: Mr. O'Brien made a motion to find Mr. Gaumnitz not in violation of the August 27, 2008 application. There was not a second to this motion and this motion failed.

Motion: Dr. Coburn made a motion to find Mr. Gaumnitz in violation of the August 27, 2008 application. This motion was seconded by Mr. Smith and passed with one vote against passage

Motion: Mr. Smith made a motion to find Mr. Gaumnitz in violation of the August 28, 2008 charge. This motion was seconded by Mr. Kent and passed unanimously.

Motion: Mr. Ducote made a motion to find Mr. Gaumnitz in violation of the September 19, 2008 application. This motion was seconded by Mr. O'Brien and passed unanimously.

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Mr. Fields said that this is a third violation and the departments penalty recommendation is \$2500 per violation for a total of \$7500.

Motion: Dr. Coburn made a motion to accept the penalty recommendation of \$7500. This motion was seconded by Mr. Smith and passed unanimously.

Glen Stokes, Case #1269 – Mr. Stokes stipulated to 2 violations and accepts the warning letter as penalty.

Motion: Mr. Smith made a motion to accept the stipulation as read. This motion was seconded by Mr. O'Brien and passed unanimously.

Daniel Flores, Case No. 1240 – Mr. Flores stipulated to 1 violation and a payable fine of \$500.

Motion: Mr. Ducote made a motion to accept the stipulation as read. This motion was seconded by Mr. Guthrie and passed unanimously.

Steven J. Vincent, Case No. 1273 – Mr. Vincent stipulated to 3 violations and a fine of \$1500.

Motion: Mr. Guthrie made a motion to accept the stipulation as read. This motion was seconded by Mr. Smith and passed unanimously.

Richard Mayeux, Case No. 1272 – Mr. Mayeux stipulated to 1 violation and a fine of \$500.

Motion: Mr. O'Brien made a motion to accept the stipulation as read. This motion was seconded by Mr. Kent and passed unanimously.

Ms. Hunter turned the meeting back over to Dr. Coburn.

CITIZEN COMMENT

Roger Carter addressed the Commission members.

AGRICULTURAL CONSULTANTS COMMITTEE

Two applications were received by the committee. Mr. Blaine Viator and Mr. Jonathan Sharp.

Motion: Mr. Kent made a motion to approve both applications. This motion was seconded by Mr. O'Brien and passed unanimously.

FUTURE MEETINGS

The next ACP meeting is tentatively set for July 29, 2009.

ADJOURNMENT

Motion: Mr. O'Brien made a motion to adjourn the meeting. This motion was seconded by Mr. Ducote and passed unanimously.

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